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10/718,557	11/24/2003	Osamu Ikeda	040808-5057-02	1848
9629 7590 12/22/2010 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				
EXAMINER				
HASAN, SYED Y				
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2484				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/718,557

**Applicant(s)**

IKEDA ET AL.

**Examiner**

SYED Y. HASAN

**Art Unit**

2484

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3 - 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3 - 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/004339.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-944)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Response to Arguments**

1. Applicant's arguments with respect to claims 1, 3 – 9 filed on 10/11/2010 have been fully considered but they are not persuasive.

In re page 6 applicant argues with respect to claim 1 that "Mori et al. fails to teach or suggest that a recorder compresses the new moving image data each time the new moving image data is made for a predetermined period and records a new moving image file including the compressed new moving image data, as claimed. Mori et al. merely discloses generating a new multimedia bitstream MBS by re-encoding the original multimedia bitstream MBS, according to the scenario desired by the user."

In response examiner presents the disclosure of Kunihiro (US 5559608). Kunihiro discloses that "A reference will be made to FIG. 1 for describing a procedure for compressing video data representative of a still or a moving picture and audio data. As shown, video data 101 is made up of consecutive frames or pictures V.sub.1, V.sub.2, V.sub.3 and so on, while audio data 201 is constituted by sound A associated with the individual frames V.sub.1, V.sub.2, V.sub.3 and so on of the video data 101. The sound A is not divided into frames since it has customarily not involved the concept of "frame".

In the figure, the sound A is divided into frames in association with the pictures V.sub.1, V.sub.2, V.sub.3 and so on for convenience's sake, whereby audio data 202 made up of frames or sounds A.sub.1, A.sub.2, A.sub.3 and so on is generated. Such video data 101 and audio data 202 are compressed frame by frame to produce compressed video data 102 and compressed audio data 203. Specifically, the compressed video data 102 has compressed pictures V'.sub.1, V'.sub.2, V'.sub.3 and

so on and areas where no data exists as indicated by hatching, while the compressed audio data 203 has compressed sounds A'.sub.1, A'.sub.2, A'.sub.3 and so on and areas where no data exists as also indicated by hatching. Subsequently, the hatched areas with no data are omitted from the compressed video and audio data 202 and 203.

The resulting compressed video and audio data are combined on a frame basis to produce compressed data 300. The compressed data 300 is recorded in a medium which is implemented as a CD-ROM." (col 2, line 61 to col 3, line 17, overcomes the limitation in claim 1 "a recorder compresses the new moving image data each time the new moving image data is made for a predetermined period and records a new moving image file including the compressed new moving image data.")

Therefore independent claim 1 and its dependent claims 3 – 9 stay rejected.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, 3 – 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al (US 5854873) in view of Kunihiro (US 5559608).

Regarding **claim 1**, Mori et al discloses an image editing apparatus (fig 2, 100, col 7, lines 16 - 26, scenario editor provides scenario to image editing apparatus shown in fig 2) comprising:

a recording medium (fig 2, M, col 7, line 9) stores a compressed moving image file (col 24, lines 8 - 11) and a scenario file (fig 2, st7 and st 39, col 7, lines 27 - 34 and col 9, lines 51 - 54) wherein the scenario file is formed by recording a replay order or a replay condition of the moving image file with a predetermined file format (col 7, lines 35 - 44, describes the scenario file)

a scenario evaluating circuit reads the scenario file from the recording medium and evaluates the replay order or the replay condition (fig 3, 2100, col 10, lines 47 - 67, scenario selector in combination with apparatus in fig 3 reads scenario file from disk M) and

an editor (fig 2, 100) reads the compressed moving image file from the recording medium (fig 3, 2006, reading head, col 10, lines 29 - 30) decodes the read moving image file (col 10, lines 34 - 39 "The reproduction controller 2002 is connected to the decoding system controller 2300 from which the multimedia bitstream reproduction control signal St53 is supplied, and in turn generates the reproduction control signals St55 and St59 respectively controlling the recording media drive unit (motor) 2004 and signal processor 2008.") edits an image data based on the decoded moving image file in response to the scenario evaluated by the scenario evaluating circuit (col 10, lines 40 to 46, " So that the user-defined video, sub-picture, and audio portions of the multimedia title edited by the authoring encoder EC are reproduced, the authoring decoder DC

comprises a scenario selector 2100 for selecting and reproducing the corresponding scenes (titles). The scenario selector 2100 then outputs the selected titles as scenario data to the authoring decoder DC." and makes a new moving image data (col 11, line 31 to col 12, line 16) "(53) Based on this synchronization control data St81, the synchronizer 2900 determines the decoding start timing whereby each of the bitstreams will be arranged in the correct sequence after decoding, and then generates and inputs the video stream decoding start signal St89 to the video decoder 3800 based on this decoding timing. The synchronizer 2900 also generates and supplies the sub-picture decoding start signal St91 and audio stream decoding start signal St93 to the sub-picture decoder 3100 and audio decoder 3200, respectively. (54) The video decoder 3800 generates the video output request signal St84 based on the video stream decoding start signal St89, and outputs to the video buffer 2600. In response to the video output request signal St84, the video buffer 2600 outputs the video stream St83 to the video decoder 3800. The video decoder 3800 thus detects the presentation time information contained in the video stream St83, and disables the video output request signal St84 when the length of the received video stream St83 is equivalent to the specified presentation time. A video stream equal in length to the specified presentation time is thus decoded by the video decoder 3800, which outputs the reproduced video signal St104 to the synthesizer 3500. (55) The sub-picture decoder 3100 similarly generates the sub-picture output request signal St86 based on the sub-picture decoding start signal St91, and outputs to the sub-picture buffer 2700. In response to the sub-picture output request signal St86, the sub-picture buffer 2700 outputs the sub-picture

stream St85 to the sub-picture decoder 3100. Based on the presentation time information contained in the sub-picture stream St85, the sub-picture decoder 3100 decodes a length of the sub-picture stream St85 corresponding to the specified presentation time to reproduce and supply to the synthesizer 3500 the sub-picture signal St99. (56) The synthesizer 3500 superimposes the video signal St104 and sub-picture signal St99 to generate and output the multi-picture video signal St105 to the video data output terminal 3600. (57) The audio decoder 3200 generates and supplies to the audio buffer 2800 the audio output request signal St88 based on the audio stream decoding start signal St93. The audio buffer 2800 thus outputs the audio stream St87 to the audio decoder 3200. The audio decoder 3200 decodes a length of the audio stream St87 corresponding to the specified presentation time based on the presentation time information contained in the audio stream St87, and outputs the decoded audio stream St101 to the audio data output terminal 3700. (58) It is thus possible to reproduce a user-defined multimedia bitstream MBS in real-time according to a user-defined scenario. More specifically, each time the user selects a different scenario, the authoring decoder DC is able to reproduce the title content desired by the user in the desired sequence by reproducing the multimedia bitstream MBS corresponding to the selected scenario."

However Mori et al does not disclose a recorder compresses the new moving image data each time the new moving image data is made for a predetermined period and records a new moving image file including the compressed new moving image data.

On the other hand Kunihiro teaches a recorder compresses the new moving image data each time the new moving image data is made for a predetermined period and records a new moving image file including the compressed new moving image data (col 2, line 61 to col 3, line 17, see argument above)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a recorder compresses the new moving image data each time the new moving image data is made for a predetermined period and records a new moving image file including the compressed new moving image data as taught by Kunihiro in the system of Mori et al in order to allow desired data to be searched for with ease.

Regarding **claim 3**, Mori et al further discloses that the scenario file comprises at least one of a replaying speed of the moving image file, a number of repetitions for replaying the moving image file, a replay range of the moving image file, a special effect, and a replay of sound associated with moving image file (col 7, lines 35 – 44 illustrate scenario data st7 used to reproduce the scenario (sequence) intended by the user)

Regarding **claim 4**, Mori et al further discloses wherein the scenario file includes identification data indicating if other scenario files are recorded as part of the scenario file and wherein the scenario evaluating circuit evaluates the replay order of the moving image files by following the corresponding scenario file in a hierarchical manner based on the identification data (col 7, lines 27 – 34 illustrate the usability of scenario files in allowing the user to edit the title content, implying that the replay order can be



controlled and manipulated)

Regarding **claim 5**, Mori et al discloses a manual replay circuit for replaying the moving image files recorded in the recording medium according to an external replay operation (fig 3, 2100, col 10, lines 47 – 55 illustrate an external replay operation by the scenario selector) and a first scenario editor that records a sequence of manual steps as a replay order or replay condition in the scenario file (fig 3, 2300, col 10, lines 60 – 67 illustrate a scenario editor)

Regarding **claim 6**, Mori et al discloses an edit input unit for receiving the editing operation for the plurality of moving image files (fig 2, 200, encode system controller illustrates an edit input unit) and a second scenario making editor for recording a replay order or replay condition as a scenario file based on the editing operation received from the editing input unit (fig 2, 900, system encoder illustrates editor for recording the scenario based file)

Regarding **claim 8**, Mori et al discloses wherein a replay mechanism replays moving image files taken from the recording medium according to the replay order or the replay condition evaluated by the scenario evaluating circuit (fig 3, col 10, line 19 to col 12, line 23, illustrates the replay mechanism for replaying moving image file from recording medium).

Regarding **claim 9**, Mori et al discloses wherein the recording medium further includes a first recording medium for storing the moving image file and a second recording medium for storing the scenario file (fig 2, st35 and st39 are formatted by video zone formatter and converted to st43. They are then recorded as st45 on the

recording medium. Hence both moving image data and scenario files are on the same recording medium)

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al (US 5854873) in view of Kunihiro (US 5559608) and further in view of Niida et al (US 6002837).

Regarding **claim 7**, Mori et al and Kunihiro disclose all the features of the instant invention (as discussed in claim 1 above) except for providing a corrector for detecting an inconsistency when the plurality of moving image files is replayed along with the scenario file, and for correcting the inconsistency according to one of a predetermined priority order or an externally input correction instruction.

Niida et al teaches an image reproducing apparatus (Fig. 2) having a corrector for detecting an inconsistency (drop out) when the plurality of image files is replayed and correcting the inconsistency according to one of a predetermined priority order or an external input correction instruction (Fig. 2 and column 4, line 33 to column 6, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the drop out correction circuit of Niida et al into the combined invention of Mori et al and Kunihiro in order to increase the quality of the reproducing video signal by correcting the drop out.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Y. H. /  
12/08/2010

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2484